

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AEREO, INC.,

Plaintiff,

v.

CBS BROADCASTING INC.; CBS STUDIOS INC.; CBS TELEVISION LICENSES, LLC D/B/A WSBK-TV, WBZ-TV, WJZ-TV; ATLANTA TELEVISION STATION WUPA, INC. D/B/A WUPA-TV; CBS TELEVISION STATIONS, INC. D/B/A WFOR-TV, KCNC-TV; MIAMI TELEVISION STATION WBFS, INC. D/B/A WBFS-TV; CBS BROADCASTING INC. D/B/A WBBM-TV, WWJ-TV, WCCO, KDKA-TV, KYW-TV; CBS STATIONS GROUP OF TEXAS, INC. D/B/A KTVT-TV; TELEVISION STATION KTXA, INC. D/B/A KTXA-TV; CBS OPERATIONS, INC. D/B/A WTOG-TV; DETROIT TELEVISION STATION WKBD, INC. D/B/A WKBD-TV, PITTSBURGH TELEVISION STATION WPCW, INC. D/B/A WPCW-TV; AND PHILADELPHIA TELEVISION STATION WPSG, INC. D/B/A WPSG-TV,

Defendants.

No. 13-CV-3013 (AJN)
[rel. 12-CV-1540 (AJN)]

ORAL ARGUMENT REQUESTED

NOTICE OF DEFENDANTS' MOTION TO DISMISS OR STAY

PLEASE TAKE NOTICE that Defendants CBS Broadcasting Inc.; CBS Studios Inc.; CBS Television Licenses, LLC D/B/A WSBK-TV, WBZ-TV, WJZ-TV; Atlanta Television Station WUPA, Inc. D/B/A WUPA-TV; CBS Television Stations, Inc. D/B/A WFOR-TV, KCNC-TV; Miami Television Station WBFS, INC. D/B/A WBFS-TV; CBS Broadcasting Inc. D/B/A WBBM-TV, WWJ-TV, WCCO, KDKA-TV, KYW-TV; CBS Stations Group of Texas, Inc. D/B/A KTVT-TV; Television Station KTXA, Inc. D/B/A KTXA-TV; CBS Operations, Inc.

D/B/A WTOG-TV; Detroit Television Station WKBD, Inc. D/B/A WKBD-TV, Pittsburgh Television Station WPCW, INC. D/B/A WPCW-TV; and Philadelphia Television Station WPSG, Inc. D/B/A WPSG-TV (collectively, “Defendants”) will move this Court, before the Honorable Alison J. Nathan, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 14A, New York, New York, for an order pursuant to Article III of the United States Constitution and Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing or, in the alternative, staying the Complaint and each claim for relief asserted against each of the Defendants therein. In support of this motion, Defendants rely upon and expressly adopt and incorporate by reference the contemporaneously filed Memorandum of Law in Support of Defendants’ Motion To Dismiss or Stay.

Dated: New York, New York
May 28, 2013

WEIL, GOTSHAL & MANGES LLP

By: /s/ James W. Quinn

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